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STATE OF MARYLAND



JAMES A. PINE  
GENERAL COUNSEL  
RONALD E. HAWKINS  
EXECUTIVE SECRETARY  
GLORIA M. JIMENEZ  
EXECUTIVE DIRECTOR

WC 10-101

PUBLIC SERVICE COMMISSION

AMERICAN BUILDING  
231 E. BALTIMORE STREET  
BALTIMORE, MARYLAND 21202  
(301) 659 6000

FILED/ACCEPTED

APR 26 2010

Federal Communications Commission  
Office of the Secretary

TTY FOR DEAF: BALTO. AREA 383-7555  
D.C. METRO 565-0451

January 6, 1982

1/11/82 Pinal  
Amy P. Pinal,  
Ms. Jimenez' secretary.  
In order that we need  
the attention of Jimenez  
9/2/82

Ms. Margaret Wood  
Pole Attachment Branch  
Federal Communications Commission  
1919 M Street, N.W. - Room 526  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Jurisdiction of Maryland Public  
Service Commission with regard to  
CATV Pole Attachments

Dear Ms. Wood:

Last week you spoke to my secretary and told her that you would need certification by order of the Public Service Commission that the Public Service Commission regulates rates, terms, and conditions for pole attachments and, that in so doing, it consider the interests of the CATV subscribers.

Enclosed herewith is a copy of Order No. 65607 of the Commission dated December 29, 1981 and signed by all the members of the Commission instituting a ratemaking proceeding. Please note that the fourth paragraph of the order states:

"WHEREAS, the Commission finds that proceedings to determine a uniform means for establishing pole attachment charges would be in the best interests of the ratepaying customers of the electric and telephone public service companies and of any other parties seeking to contract, or having contracted, pole attachments."

I trust this will satisfy your inquiry.

Sincerely,

Gloria M. Jimenez  
Executive Director

GMJ:adr

Enc.

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TTY FOR DEAF: BALTO. AREA 383-7555  
D.C. METRO 565-0451

March 18, 1982

Ms. Margaret Wood  
Pole Attachment Branch  
Federal Communications Commission  
1919 M Street, N.W. - Room 526  
Washington, D.C. 20554

Dear Ms. Wood:

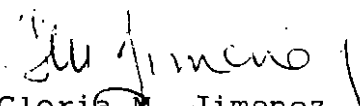
Enclosed herewith are copies of Orders Number 65705 and 65607. Order Number 65705 is a revision of Order Number 65607.

You will recall that not long ago I called you to discuss the language of the latest order and you advised me that you thought it would satisfactorily meet your pre-emption requirements.

I would appreciate it if you would confirm that in writing.

Thank you for your help in this matter.

Sincerely,

  
Gloria M. Jimenez  
Executive Director

GMJ:adr

Encs.

STATE OF MARYLAND  
PUBLIC SERVICE COMMISSION

ORDER NO. 65705

IN THE MATTER OF THE INVESTIGATION BY  
THE COMMISSION OF ITS OWN MOTION CON-  
CERNING POLE ATTACHMENT CHARGES BY  
ELECTRIC AND TELEPHONE PUBLIC SERVICE  
COMPANIES .

\*  
\*  
\*  
\*

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

CASE NO. 7609

On December 29, 1981, the Commission issued Order No. 65607, instituting the investigation into pole attachment charges by electric and telephone public service companies. After reconsideration, Order No. 65607 is amended in its entirety as follows:

"WHEREAS, the powers of the Commission over public service companies are liberally construed, as set forth in Section 1 of Article 78 of the Annotated Code of Maryland.

WHEREAS, electric and telephone companies are public service companies by definition. Article 78 §2(o).

WHEREAS, telephone and electric poles are expressly included as operating equipment used in the provision of electric and telephone service under Subsections 2(f), 2(g), 2(z), and 2(aa) of Article 78, and therefore are subject to regulation by the Commission.

WHEREAS, the Commission has previously taken formal rule-making action involving conditions for pole attachments by prohibiting an electric or telephone company from allowing pole attachments by a third party where said party intends to provide overhead service and the electric or telephone company should be required to provide underground service (Order No. 60391 in Case No. 6197).

STATE OF MARYLAND  
PUBLIC SERVICE COMMISSION

WHEREAS, Section 56 grants the Commission the power to supervise and regulate all public service companies to assure their operation in the interest of the public and to promote economical delivery of utility service, giving consideration to the economy of the State.

WHEREAS, this power delegated to the Commission includes setting the rates charged by public utilities to ensure that they are just, reasonable, and consistent with the public good. Article 78, Section 68.

WHEREAS, charges by electric and telephone public service companies operating in Maryland for pole attachments by a third party are not governed by any existing regulations promulgated by the Commission.

WHEREAS, the Commission has the duty to establish just and reasonable rates in the public interest and the Commission, therefore, may and will consider the interests of the subscribers of cable television as well as the interests of ratepayers of the electric and telephone companies in setting the charges for pole attachments.

WHEREAS, the Commission finds that proceedings to determine a uniform methodology for establishing pole attachment charges would be in the best interests of all parties concerned."

STATE OF MARYLAND  
PUBLIC SERVICE COMMISSION

IT IS, THEREFORE, this 17th day of March, in the year  
Nineteen Hundred and Eighty-Two, by the Public Service Commission  
of Maryland,

ORDERED: (1) That the narrative in Order No. 65607 be  
amended in its entirety to read as indicated above; and

(2) That in all other respects Order No. 65607 is  
hereby reaffirmed.

Thomas J. Antea

Wayne B. Hamilton

Harold W. Arnold

William J. [Signature]

Lilo K. Schuler

Commissioners

6101a

STATE OF MARYLAND  
PUBLIC SERVICE COMMISSION

ORDER NO. 65607

IN THE MATTER OF THE INVESTI- \*  
GATION BY THE COMMISSION ON  
ITS OWN MOTION CONCERNING POLE \*  
ATTACHMENT CHARGES BY ELECTRIC  
AND TELEPHONE PUBLIC SERVICE \*  
COMPANIES

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

CASE NO. 7609

WHEREAS, the powers of the Commission are broadly construed, as set forth in Section 1 of Article 78 of the Annotated Code of Maryland.

WHEREAS, the Commission has jurisdiction of the rates and charges of public service companies.

WHEREAS, public service company pole attachments and charges for same by electric and telephone public service companies in Maryland are not governed by any existing regulation.

WHEREAS, the Commission finds that proceedings to determine a uniform means for establishing pole attachment charges would be in the best interests of the ratepaying customers of the electric and telephone public service companies and of any other parties seeking to contract, or having contracted, pole attachments.

BE IT THEREFORE ORDERED, this 29th day of December, 1981, that:

(1) the captioned matter is hereby docketed by the Commission for further proceedings at dates and locations to be hereinafter fixed, with public notice of same, and

STATE OF MARYLAND  
PUBLIC SERVICE COMMISSION

ORDER NO. 65607

IN THE MATTER OF THE INVESTI- \*  
GATION BY THE COMMISSION ON \*  
ITS OWN MOTION CONCERNING POLE \*  
ATTACHMENT CHARGES BY ELECTRIC \*  
AND TELEPHONE PUBLIC SERVICE \*  
COMPANIES \*

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

CASE NO. 7609

WHEREAS, the powers of the Commission are broadly construed, as set forth in Section 1 of Article 78 of the Annotated Code of Maryland.

WHEREAS, the Commission has jurisdiction of the rates and charges of public service companies.

WHEREAS, public service company pole attachments and charges for same by electric and telephone public service companies in Maryland are not governed by any existing regulation.

WHEREAS, the Commission finds that proceedings to determine a uniform means for establishing pole attachment charges would be in the best interests of the ratepaying customers of the electric and telephone public service companies, of any other parties seeking to contract, or having contracted, pole attachments as well as the interests of the subscribers of cable television services.

BE IT THEREFORE ORDERED, this 29th day of December, 1981, that:

(1) the captioned matter is hereby docketed by the Commission for further proceedings at dates and locations to be hereinafter fixed, with public notice of same, and

STATE OF MARYLAND  
PUBLIC SERVICE COMMISSION

(2) the Executive Secretary of the Commission shall cause a true copy of this Order be served upon each electric and telephone public service company in Maryland.

James J. Hatten  
Harold N. Gind  
Wayne B. Hamilton  
William B. Bick  
Rick K. Sengler  
Commissioners

OFFICE OF  
EXECUTIVE DIRECTOR

DEC 20 1981

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STATE OF MARYLAND  
PUBLIC SERVICE COMMISSION

(2) the Executive Secretary of the Commission shall cause a true copy of this Order be served upon each electric and telephone public service company in Maryland.

James J. Hatten  
Harold N. Arnold  
Wayne B. Hamilton  
Wm. C. [unclear]  
Rick K. [unclear]  
Commissioners

OFFICE OF  
EXECUTIVE DIRECTOR

DEC 20 1981

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COMMISSIONERS

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WAYNE B. HAMILTON  
HASKELL N. ARNOLD

STATE OF MARYLAND



JAMES A. PINE  
GENERAL COUNSEL  
RONALD E. HAWKINS  
EXECUTIVE SECRETARY  
RONALD A. DECKER  
STAFF COUNSEL

PUBLIC SERVICE COMMISSION

AMERICAN BUILDING  
231 E. BALTIMORE STREET  
BALTIMORE, MARYLAND 21202

(301) 659-6000  
TTY FOR DEAF: BALTO. AREA 383-7555  
D.C. METRO 565-0451

December 24, 1981

Ms. Margaret Wood  
Federal Communications Commission  
Pole Attachment Branch  
Common Carrier Bureau  
Tariff Division  
1919 M Street, N.W. Room 526  
Washington, D.C. 20554

Dear Ms. Wood:

This is to advise the Federal Communications Commission that the Maryland Public Service Commission is instituting proceedings to establish reasonable pole attachment charges by Maryland electric and telephone companies to cable television and other third parties. These proceedings are intended to accord with, and be pursuant to, the provisions of 47USCS224(c).

Very truly yours,

Thomas J. Hatem  
Chairman

TJH:JWD:dm

cc: William A. Badger, Commissioner  
Lilo K. Schifter, Commissioner  
Wayne B. Hamilton, Commissioner  
Haskell N. Arnold, Commissioner  
Ronald E. Hawkins, Executive Secretary  
Gloria M. Jimenez, Executive Director

Spoke w. Ms. G. v. Jimenez  
Assistant  
12/30/81

DEC 29 3 37 PM '81  
FEDERAL COMMUNICATIONS COMMISSION